

(B) at least one sesquiterpene alcohol selected from the group consisting of vetiverol, patchouli alcohol, guaiol, cedrol and mixtures thereof.

3. (Amended) The cosmetic composition of claim 1, wherein component (A) is present in an amount of 0.01 to 60 wt.% based on the whole composition.--

SUPPORT OF THE AMENDMENT

The claims have been amended to specify that component A of the invention is arginine and component B is a member selected from the group consisting of vetiverol, patchouli alcohol, guaiol, cedrol and mixtures thereof. This amendment is supported by the claims as previously entered and the specification as originally filed. Claim 14 has been cancelled, but upon allowance of the composition claims, Applicants reserve the right to request rejoinder of a claim corresponding to Claim 14, with the composition limited as allowed. No new matter would be added to this application by entry of this amendment.

Upon entry of this amendment, claims 1, 4-5 and 12 will now be active in this application.

REQUEST FOR RECONSIDERATION

The present invention is directed to a cosmetic composition having an effect for alleviating rough or moisture-lost skin and for improving the condition of dry or sensitive skin.

The use of cosmetic compositions to improve the condition of dry and/or sensitive skin has been a common practice for many years. However, effective delivery of moisturizing agents to the epidermis layer of skin can still be improved.

The present invention addresses this problem by providing a cosmetic composition

comprising a moisture retaining component (arginine), and at least one sesquiterpene alcohol selected from vetiverol , patchouli, alcohol, guaiol, cedrol and mixtures thereof. Applicant has discovered that the addition of one of these sesquiterpene alcohols to a cosmetic composition which comprises arginine as a moisture retaining component improves the moisturizing effectiveness of the composition. Such a composition is nowhere disclosed or suggested in the prior art of record.

As evidence of the improved moisturizing effects from the claimed composition, the examiner's attention is directed to Tables 1 and 2 and examples 2-4 appearing on pages 11-14 of applicant's specification.

Table 1, demonstrates different moisturizing compositions containing isostearyl glyceryl ether, sorbitan monostearate, 2-octyldocetyl myristate, squalene, glycerine and water to which a moisturizer, sesquiterpene alcohol or both has been added. For the examiner's convenience a portion of the data is reproduced below:

	invention compound				comparative compound		
	1	2	3	4	1	2	3
arginine	3	3	3	3	10	-	-
Patchouli oil	5	-	-	2.5	-	5	-
cedar wood oil	-	5	-	2.5	-	5	-
cedrol	-	-	5	-	-	-	-
isostearyl glyceryl ether	2	2	2	2	2	2	2
sorbitan monostearate	2	2	2	2	2	2	2
2-octyldodecyl myristate	10	10	10	10	10	10	10
squalene	5	5	5	5	5	5	5
glycerine	5	5	5	5	5	5	5
purified water	balance	balance	balance	balance	balance	balance	balance
improved degree of rough or moisture-lost skin	4.5	4.5	4.8	4.9	1.8	2.5	0.8

Skin condition regulator	4.5	4.2	4.6	5.0	2.2	1.9	1.0
--------------------------	-----	-----	-----	-----	-----	-----	-----

Comparative example 1 contained a moisture retaining component of arginine, comparative example 2 contained a sesquiterpene alcohol in the form of a mixture of patchouli oil and cedar wood oil while comparative example 3 contained neither. In all cases, the degree of improvement of rough or moisture-lost skin was low as well as the skin condition regulation.

In contrast, examples 1-4 which contained both the moisturizing agent and a sesquiterpene alcohol demonstrated increased improvement in the degree of rough or moisture-lost skin as well as improved skin condition regulation.

Claims 1, 3, 4, 7, 10 and 13 stand rejected under 35 U.S.C. 102(e) over JP '550. This reference discloses compositions containing arginine and various plant extracts, which may contain sesquiterpene alcohols. However, the reference nowhere suggests the importance of such sesquiterpene alcohols and particularly never suggests the specific alcohols now required by the claims. The only potential sesquiterpene alcohols suggested by the reference would be any that are found in plant extracts such as tea extract, suggested by the present Applicant as a potential source of sesquiterpene alcohols. The only extracts disclosed and discussed by the Examiner that would appear to fit the category of containing sesquiterpene alcohols are peony extract and tea extract, both of which are disclosed as containing nerolidol. However, the claims no longer call for the use of nerolidol and in fact require the use of other alcohols not suggested by any of the extracts of the reference. As such, the reference cannot anticipate the present invention, and is not believed to render the invention obvious either, since there would be no motivation to switch from plant extracts of the JP '550 reference (which may or may not contain sesquiterpene alcohols) to the specific alcohols

required in the claims as now amended. As such, the rejection should be withdrawn.

Claims 9 and 12 stand rejected under 35 U.S.C. 102(b) over RU '704. This rejection has been obviated by the cancellation of these claims. The remaining claims are not anticipated or obvious based on this reference since the reference only suggests cedar wood oil, which is no longer a part of the claimed invention. As such, the rejection should be withdrawn.

Claims 1-7, 10 and 13 stand rejected under 35 U.S.C. 103 over JP '550 in view of Lin et al, Hsueh and Kumar et al. As noted above, the JP '550 reference does not disclose the use of sesquiterpene alcohols themselves, but only suggests the use of various plant extracts, among them being peony extract or tea extract. The Examiner has used the secondary references as indication that these two extracts actually contain as a constituent, nerolidol. However, the claims as now amended require the selection of arginine and one or more specific sesquiterpene alcohols, among which nerolidol is not a member. As such, the combination of these references, while possibly suggesting a combination of arginine and nerolidol (although Applicant disagrees with this conclusion also), cannot suggest the presently claimed compositions. As such the rejection should be withdrawn.

Claims 9 and 12 also stand rejected under 35 U.S.C. 103 over U.S. '935. However, As the examiner notes, the essential oil mentioned as a possible constituent in the cosmetic skin treating patch of the reference recites cedar oil, but does not disclose or suggest the particular oils of the present invention as amended. The rejected claims have been cancelled, and the reference does not suggest the remaining claims. Accordingly, the rejection should be withdrawn.

The Applicant would like to thank Examiner Berman for the indication that the data in Table 1 provide unexpected results for the compositions of the present invention. It is

believed that the claims are now drafted to be commensurate in scope with the data provided and therefore, even if the Examiner maintains the obviousness rejections, the data provide sufficient unexpected results to overcome such a position.

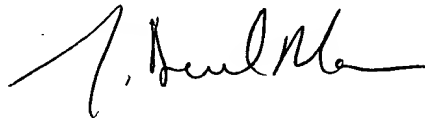
Applicants hereby affirm the election, with traverse, of amino acids as a single species for examination purposes only. However, based on the claims as now amended, it is believed that the requirement has been rendered moot.

Finally, applicant has provided a new more descriptive title.

Applicants submit this application is now in condition for allowance and early notification of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Norman F. Oblon
Attorney of Record
Registration No. 24,618

J. Derek Mason, Ph.D.
Registration No. 35,270



22850

Telephone: (703) 412-3000
Facsimile: (703) 413-2220

Marked-Up Copy

Serial No.: 09/765,606

Amendment Filed: Herewith

IN THE TITLE

Please amend the title to read:

--MOISTURE RETAINING COSMETIC COMPOSITION--

IN THE CLAIMS

Please amend the claims as follows:

--1. (Twice Amended) A cosmetic composition, which comprises the following components (A) and (B):

(A) [at least one moisture retaining component selected from the group consisting of amino acids and salts thereof, urea and glycinebetaine] arginine; and

(B) at least one sesquiterpene alcohol selected from the group consisting of vetiverol, patchouli alcohol, guaiol, cedrol and mixtures thereof.

3. (Amended) The cosmetic composition of claim 1, wherein component (A) is [an amino acid or urea] present in an amount of 0.01 to 60 wt.% based on the whole composition.--